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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,470	11/24/1999	Akito Niwa	04329.2191	5068

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EXAMINER

ZAND, KAMBIZ

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 03/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

fm.

## Office Action Summary

Application No.

09/448,470

Applicant(s)

NIWA ET AL.

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7 and 9-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 9,10,12,13,15 and 16 is/are allowed.  
6) ☒ Claim(s) 7,11 and 14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 24 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1-6 and 8 have been cancelled.
4. Claim 7 has been amended.
5. New claims 9-16 have been added.
6. Claims 7 and 9-16 are pending.
7. Examiner withdraws objection to the drawings and specification due to correction by the applicant.
8. Examiner withdraws rejection of claims 1-8 under 35 U.S.C 112-second paragraphs due to cancellation of claims 1-6 and 8 and correction of claim 7 by the applicant.

### ***Response to Arguments***

9. Applicant's arguments filed 02/18/04 have been fully considered but they are not persuasive with respect to claim 7.

As per applicant's arguments with respect to claim 7 on pages 33-34 of the response, Examiner refers applicant to the following remarks:

- Gennaro disclose the law enforcement agency or recovery service as an approver apparatus that authorized key recovery agent to recover the key (see col.9, lines 66-67 and col.10, lines 1-35). Col.10, lines 62-67 disclose that such authorization may obtain court order or warrant in order to obtain the keys from key recovery agent. Col.10, lines 28-35 disclose the strong knowledge between the recovery service or the approver and the recovery agents. Although it does not specifically refers to registration of the recovery agent by the recovery service or the approver, but it is obvious that all the recovery agent that recovers secret keys for such entity as law enforcement agency or the recovery service or the approver must be a registered agent in order to handle such task and registration of authorized personal such as recovery agent for recovering secret keys are inherent part of recovering secret keys by recovery agents. For example in a networking environment, an administrator acts as an approver that authorized access to the resources to authorized personals based on their security profile and access rules (a networking environment such as USPTO network).

Therefore if a password would be considered as a key, only an authorized recovery agent or personal can recover a forgotten password under the administrator monitoring where the administrator and the recovery agent may act as same entity and registration of such personal is inherent part of network

security system. Therefore Gennaro does disclose Applicant's arguments with respect to claim 7.

***Claim Rejections - 35 USC § 102***

10. **Claims 7, 11 and 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Gennaro et al (5,937,066A).

**As per claims 7, 11 and 14** Gennaro et al (5,937,066A) teach a key recovery system, method and article of manufacture (see abstract) comprising: an encryption apparatus using key information for encrypting or decrypting data and storing, independently of the key information, recovery information for recovering the key information in an encrypted state so as to be decrypted by a recovery agent registered by said encryption apparatus; an approver apparatus for approving a party who requests a registration approval for the key recovery agent and giving an authorized party who requests an approval for decrypting encrypted recovery information the approval for decrypting the encrypted recovery information; and said key recovery agent for decrypting and sending the encrypted recovery information only when a decryption request is made by a party approved by an approver (see fig.1-5; abstract; col.4, lines 66-67; col.5, lines 1-10 and 24-44; col.5, lines 45-67; col.6, lines 1-38; fig.1, item 112 and 114; fig.4; col.15, lines 37-56 where the recovery agent 1 and 2 are involved in decryption; see fig.3 and 9; col.15,

lines 27-37 wherein the approver is a service provider or law enforcement agency and authentication of the agent is being done in fig.9 based on agent id).

Also see the entire reference for detailed.

### ***Allowable Subject Matter***

Claims 9-10, 12-13 and 15-16 are allowed.

The prior art of records singly or in combination do not disclose specific steps of Applicant's invention in claims 9-10, 12-13 and 15-16. A detailed Examiner reasons for allowance will be provided once the entire application is ready for allowance.

### **Conclusion**

**11. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

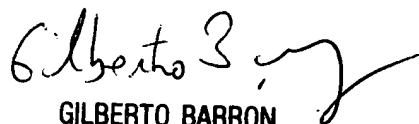
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

Official

(703) 872-9306

  
Kambiz Zand

03/01/04

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100